

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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JONATHAN E. WATKINS,

Plaintiff,

Case No. 3:15-cv-00346-MMD-WGC

v.

JAMES STOGNER, et al.,

Defendant.

ORDER ACCEPTING AND ADOPTING
REPORT AND RECOMMENDATION OF
MAGISTRATE JUDGE
WILLIAM G. COBB

I. SUMMARY

16 Before the Court is the Report and Recommendation of United States Magistrate
17 Judge William G. Cobb (ECF No. 33) ("R&R") recommending granting Defendants'
18 Motion for Summary Judgment ("Defendants' Motion") (ECF No. 23). Plaintiff had until
19 November 8, 2017 to object. To date, no objection to the R&R has been filed.

20 || II. RELEVANT BACKGROUND

21 Plaintiff sues multiple defendants for events that took place while Plaintiff was
22 incarcerated at Northern Nevada Correctional Center (“NNCC”). (ECF. no. 7 at 1.)
23 Following screening, the Court permitted Plaintiff to proceed on two claims: (1) Count I
24 for First Amendment Free Exercise and Religious Land Use and Institutionalized Persons
25 Act of 2000 (“RLUIPA”) claim against Defendants NNCC Warden Isidro Baca and
26 chaplain James Stogner; and (2) Count III for Equal Protection Clause violations claim
27 against Stronger. (ECF No. 8 at 3-7.) The relevant facts are recited in the R&R (ECF No.
28 33 at 6-7, 9), which the Court adopts.

1 **III. DISCUSSION**

2 This Court “may accept, reject, or modify, in whole or in part, the findings or
3 recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). Where a party
4 timely objects to a magistrate judge’s report and recommendation, then the court is
5 required to “make a *de novo* determination of those portions of the [report and
6 recommendation] to which objection is made.” 28 U.S.C. § 636(b)(1). In light of Plaintiffs’
7 objections, the Court has engaged in a *de novo* review to determine whether to adopt
8 Magistrate Judge Cobb’s recommendation. Where a party fails to object, however, the
9 court is not required to conduct “any review at all . . . of any issue that is not the subject
10 of an objection.” *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Indeed, the Ninth Circuit has
11 recognized that a district court is not required to review a magistrate judge’s report and
12 recommendation where no objections have been filed. See *United States v. Reyna-Tapia*,
13 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard of review employed by the
14 district court when reviewing a report and recommendation to which no objections were
15 made); see also *Schmidt v. Johnstone*, 263 F. Supp. 2d 1219, 1226 (D. Ariz. 2003)
16 (reading the Ninth Circuit’s decision in *Reyna-Tapia* as adopting the view that district
17 courts are not required to review “any issue that is not the subject of an objection.”). Thus,
18 if there is no objection to a magistrate judge’s recommendation, then the court may accept
19 the recommendation without review. See, e.g., *Johnstone*, 263 F. Supp. 2d at 1226
20 (accepting, without review, a magistrate judge’s recommendation to which no objection
21 was filed).

22 Plaintiff failed to file an objection. Nevertheless, the Court finds it appropriate to
23 conduct a *de novo* review to determine whether to adopt the R&R. The Magistrate Judge
24 recommends granting summary judgment in favor of Defendants based upon Plaintiff’s
25 failure to raise a genuine issue of material fact to oppose summary judgment. In particular,
26 the Magistrate Judge found that the undisputed evidence shows that Defendants did not
27 place any substantial burden on Plaintiff’s exercise of his religion in support of Count I.
28 (ECF No. 33 at 6-9.) As for Count III, which is premised on Stronger’s alleged dealings

1 with the Muslim community faith group prison reform student minister, Derek Perkins, the
2 Magistrate Judge found in part that Stronger undisputedly did not have such dealings with
3 Mr. Perkins. (*Id.* at 9-11.) Having reviewed the R&R and the briefs relating to Defendant's
4 Motion, the Court agrees with the Magistrate Judge and will adopt the R&R.

5 **IV. CONCLUSION**

6 It is therefore ordered, adjudged and decreed that the Report and
7 Recommendation of Magistrate Judge William G. Cobb (ECF No. 33) is accepted and
8 adopted in full.

9 It is further ordered that Defendants' Motion for Summary Judgment (ECF No. 23)
10 is granted.

11 The Clerk is directed to enter judgment in favor of Defendants and close this case.

12 DATED THIS 27th day of December 2017.

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16 MIRANDA M. DU
17 UNITED STATES DISTRICT JUDGE
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